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PUBLIC WORKS AND ELECTRICITY SECRETARIAT

THE KARNATAKA ELECTRICITY SUPPLY UNDERTAKINGS (ACQUISITION) RULES, 1976.

Notification No. PWD 83 EIG 74

Bangalore, dated 26th October 1976

G.S.R. No. 347.—In exercise of the powers conferred by Section 18 of the Karnataka Electricity Supply Undertakings (Acquisition) Act, 1974, (Karnataka Act No. 36 of 1974), the Government of Karnataka hereby makes the following rules, namely :—

1. Title and commencement :—(1) These rules may be called the Karnataka Electricity Supply Undertakings (Acquisition) Rules, 1976.

(2) They shall come into force at once.

2. Definition :—In these rules unless the context otherwise requires :—

(a) "Act" means the Karnataka Electricity Supply Undertakings (Acquisition) Act, 1974 (Act No. 36 of

(b) 'Form' means a form appended to these rules.

(c) "Prescribed authority" means the Electrical nspector appointed by Government under section 36 of he Indian Electricity Act, 1910 (Act No. 9 of 1910) or uch other authority as the Government may by notifi- cation appoint.

(d) "Section" means a section of the Act.

3. Factors to be considered while fixing compen- ation under section (4)2 :—

(1) In fixing the compensation payable under sub- section (2) of section 4, the prescribed authority shall, after determining the revenue earned by the Company, from the whole or part of its Undertakings, as the case may be, during the period between the vesting date and the date of handing over, deduct therefrom, such amounts as may have been reasonably incurred, on account of (i) managerial expenses; (ii) maintenance cost including salaries of the staff: (iii) amount paid to the Board towards electrical energy consumed and (iv) any other expenses incidental to the management.

(2) The net revenue determined under sub-rule (1) shall be payable to the Govermnent together with interest at the maximum lending rate fixed by the Reserve Bank of India from time to time for banking operations of the nationalised banks.

(3) In case an Undertaking or any part of an Undertaking has not been put to beneficial use by the Company, the prescribed authority shall assess the loss incurred by the Government and it shall become payable as compensation to the Government under sub-section (2) of section 4.

(4) The amount payable to Government under sub- rules (2) and (3) shall be deducted from the amount payable to the company under section 5.

4. Mode of payment under sub-section (4) of section 5:—Out of the amount payable to the Company under section 5, fifty per cent shall be paid in cash immediately

after the amount payable is determined under the said section or within one year from that date and twenty five per cent on the expiry of one year from the date of the first payment, and the balance, on the expiry of a further period of one year.

"4A. **Advance Payment** —At any time before the amount to be given is determined under Section 5, Government may, if it considers it necessary so to do, and for reasons to be recorded in writing, and subject to such conditions and after taking such security as it deems fit, pay, by way of advance, such amount not exceeding 70 (Seventy) per cent of the estimated amount that may have to be given".

5. **Time limit for making applications under sub-section (2) of Section 10** —The application under sub-section (2) of section 10 may be made to the tribunal by any person agreed by an order made under sub-section (1) of section (10) within ninety days from the date of receipt of the said order.

6. **Taking over the Company's staff** —(1) Every officer or other employee. who from the vesting date, has under section 11, become an officer or employee of the Government, shall within such date as may be specified in a notice issued to him in Form 'A' be entitled to exercise his option in Form 'B' for being transferred to the Board's Services.

(2) Every officer or other employee who under sub-rule (1).has exercised his option, shall be screened by a Committee constituted under sub-rule 7 which shall determine his suitability for the Board services, having due regard to his age, experience, qualifications and his antecedent records, if any.

(3) Every officer or other employee selected by the Committee as suitable for the Board's Services, shall by an order made by the Government be transferred to the Board Services and on such transfer, he shall be absorbed in the corresponding class, category or grade of the Board Service.

(4) Every officer or other employee absorbed in the Board's Services under sub-rule (3) shall, from the date of his absorption, be governed by the regulations framed under clause (c) of Section 79 of the Electricity Supply Act, 1948 (Act No. LIV of 1948).

(5) (a) The employment of an officer or other employee who is adjudged by the Committee as unsuitable for the Board Services may be terminated after giving him three calendar months notice in writing on paying him three months pay last drawn in lieu of such notice.

(b) On such termination, the Provident Fund amounts standing to his credit while in the service of the Company and which stands transferred to the Government under sub-section (1) of section 12, together with the Provident Fund amounts standing to his credit while in the service of the Government, shall also be paid to him.

(6) The post held by any officer or new employee transferred to the Board's services under sub-rule (3) shall be equated to the corresponding posts in the Board Services before they are absorbed under the said sub-rule.

(7) For the purpose of sub-rule (2), the following two committees are constituted for the categories of posts indicated against each:

Committee No. 1	*Categories of Posts.*
1 The Chief Engineer, Elecy. (General), KEB, Bangalore. (Chairman). 2 The Chief Engineer, Elecy. (North), KEB Bangalore (Member) 3 The Chief Controller of Accounts, KEB. Bangalore (Member) 4 Deputy Secretary to Government, P.W. and E. Department (Elec. and P.P.) Bangalore. (Member) 5 The Secretary, KEB, Bangalore (Member and Secretary)	For posts whose minimum basic pay scale is in excess of Rs. 400 or maximum of the pay scale is in excess of Rs 650

The Supdtg. Engineer, Elecl. KEB Hubli Circle, Hubli (Chairman) The Deputy Secretary to Government, P.W. and E Department (Elec and P.P) Bangalore (Member) The Dy. Controller of Accounts, KEB, Hubli Circle, Hubli (Member) The Executive Engineer, Elecl of the Division concerned KEB. (Member and Secretary).	For posts whose minimum of the pay scale is not in excess of Rs. 400 or maximum of the pay scale is not in excess of Rs. 650.

(8) The options exercised under sub-rule (1) by the rs and employees transferred to the Board services r sub-rule (3) shall be sent to the Board for record in Service Registers.

7. **Transfer of Provident Fund and other funds:**— moneys transferred to the Government under sub- on (1) of section 12, shall, as soon as may be, paid ıe Board and on their transfer, the provisions of the loyees' Provident Fund Act, 1952, shall apply to).

Order and in the name of the Governor of Karnataka,

T. S. GURUSIDDAIAH,
Deputy Secretary to Government,
Public Works and Electricity Department.

GOVERNMENT OF KARNATAKA

No. PWD

Karnataka Government Secretariat,
Vidhana Soudha

Dated, Bangalore.

From,

The Commissioner for Public Works and Elecy. and Secretary to Government of Karnataka, Public Works and Elecy. Department.

To.....

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Sir,

Sub : Absorption of the officers and employees of the Private Electrical Undertakings in the State Vesting in Government with effect from 18th December 1974—in the Karnataka Electricity Board.

The Private Electrical Undertakings in the State belonging to the companies whose names are given in sub-section (5) of section 3 of the Karnataka Electricity Supply Undertakings (Acquisition) Act, 1974 have vested in Government with effect from 18th December 1974 and are in possession of the Karnataka Electricity Board from the same date by virtue of the Notification issued by the State Government in exercise of the power conferred by sub-section (1) of Section 8 of the Act.

The State Government have decided to transfer to the Karnataka Electricity Board the officers and employees of the said undertakings now working under Karnataka Elecy Board subject to the protections stipulated under section 11 of the Act and the manner of absorption laid down in the Rules.

I am to request you to express your willingness to enter into the service of the Board within a period of 30 days from the date of receipt of this notice. If no reply is received within that period, your willingness will be presumed.

Yours faithfully,

Deputy Secretary to Government,
P.W. and Elecy. Department.

FORM 'B'

(*See* Rule 6)

FORM OF OPTION TO THE SERVICES OF THE BOARD

1	Name of the Employee (in block letters)	
2	Father's name	
3	Date of Birth and Age	
4	Name of the Licensee under whom he was serving before the vesting date	
5	Date of entry into Licensee's service	
6	Date of appointment in the present grade	
7	Pay and other allowance drawn in the present grade	
8	Whether the employee is for willing absorption into KEB services	
9	Date of exercising the option for absorption	

DECLARATION

I.....son of Sri.....
.....an Ex. employee of M/s.....
.....hereby exercise my option to be absorbed into the services of Karnataka Electricity Board subject to the conditions stipulated in the notice served on me on.....

Signature of the Employee